

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
SEPTEMBER 1, 2009  
7:01 P.M.**

**ROLLCALL** Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Brindle and seconded by Member Bennett approving the Council Consent Agenda.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**PROCLAMATION ANNOUNCED – CONSTITUTION WEEK SEPTEMBER 17-23, 2009**  
**Member Swenson approving a proclamation declaring September 17-23, 2009, as Constitution Week in the City of Edina.** Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Mayor Hovland read the proclamation and presented it to Diane Plunkett Latham.

Diane Plunkett Latham, 7013 Comanche Court, Daughters of the American Revolution, thanked the Council for the proclamation and for living up to the objectives of the Constitution.

**\*MINUTES APPROVED – REGULAR MEETING OF AUGUST 18, 2009, AND WORK SESSION OF AUGUST 18, 2009** Motion made by Member Brindle and seconded by Member Bennett approving the minutes of the Regular Meeting of August 18, 2009, and Work Session of August 18, 2009.

Motion carried on rollcall vote – five ayes.

**PUBLIC HEARING HELD – ORDINANCE 2009-11 GRANTED FIRST READING – AMENDING SECTION 850 ALLOWING DRIVE-THROUGHS IN THE PCD-1 DISTRICT**  
Affidavits of Notice presented and ordered placed on file.

**Planning Director Presentation**

Planning Director Teague presented the request of Richards and Wanninger, LLC, to amend the City's zoning ordinance to allow restaurants to have a drive-through window in the PCD-1 zoning district. If approved, the amendment would allow Prima Restaurant/Bull Run Coffee to utilize the existing drive-through window at Clancy's site, 4420 Valley View Road. Mr. Teague advised the Planning Commission had recommended the Council not adopt the requested ordinance amendment, noting their rationale and four findings. He also advised that staff supported approval and presented staff's recommended conditions. The Council discussed the request and asked questions of Mr. Teague, City Manager Hughes, and City Attorney Knutson.

**Proponent Presentation**

John Wanninger, 6509 Navaho Trail, Richard and Wanninger, LLC, presented their concept to locate a restaurant and coffee shop at the Clancy's site and the request to amend the City's zoning ordinance allowing the sale of food (coffee, donuts, pastries) at the drive-through. He updated the Council on the challenges associated with the location and Clancy's decision to not renew its lease. Mr. Wanninger presented plans to recycle the obsolete building and stated the applicant accepted staff's recommended conditions of approval.

## **Minutes/Edina City Council/September 1, 2009**

Jennifer King, Prima Restaurant, 9560 Lake Town Road, Chaska, advised of the two restaurants she currently operated with her husband. She spoke of their desire to locate in the Clancy's site. Ms. King stated Prima Restaurant made its products on site, used organic products, and were both family and pedestrian friendly.

Greg Hoyt, 4610 Wooddale Avenue, Bull Run Coffee, stated he owned a coffee roaster and typically sold to restaurants. Mr. Hoyt said he intended to create a concept to bring fine coffee to the consumer. He explained the economic importance of a drive-through to sell products and stated his belief this would be a fine concept for this Edina neighborhood.

The Council asked questions of the proponents. Mr. Wanninger advised that should a drive-through not be approved, they would consider a sandwich shop for this space. Mr. Teague stated that were the zoning ordinance amended to make a drive-through window a conditional use, application for a CUP would require building and elevation plans as well as a traffic study.

Mayor Hovland opened the public hearing at 7:31 p.m.

### **Public Testimony**

Colleen Naughton, 6205 Concord Avenue, addressed the Council.

Robert Burley, 4400 Valley View Road, business owner, addressed the Council.

Elizabeth Lederle, 6017 Wooddale Avenue, addressed the Council.

Germana Paterlini, Energy & Environment Commission, 5117 Duggan Plaza, addressed the Council.

Diane Plunkett Latham, 7013 Comanche Court, addressed the Council.

Denise Elmquist, 6100 Kellogg Avenue, addressed the Council.

Julia Risser, 6112 Ashcroft Avenue, addressed the Council.

Eric Fantin, 6033 Kellogg Avenue, addressed the Council.

Allen Beers, 6045 Wooddale Avenue, addressed the Council.

Don Womack, 1988 Oak Knoll Drive, White Bear Lake, addressed the Council.

Meg Newell, 6080 Wooddale Avenue, addressed the Council.

Ron Elmquist, 6100 Kellogg Avenue, addressed the Council.

The Council discussed the expected level and circulation of traffic.

Trudy Landgren, 6104 Brookview Avenue, addressed the Council.

Sara Ann Sexton, 6009 Fairfax Avenue, addressed the Council.

**Member Brindle made a motion, seconded by Member Housh, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

The Council discussed the funding and scope of traffic studies and asked questions of staff. Mr. Knutson addressed zoning district classifications and notification standards. Mr. Teague defined accessory and permitted uses, confirming that accessory uses do not require notice or review or approval by the Planning Commission or City Council.

**Member Brindle made a motion, seconded by Member Housh, to grant First Reading adopting Ordinance No. 2009-11, amending the City code concerning regulation of drive-through facilities.**

The Council discussed the ordinance and proposed the following revisions: Subd. 14, F3, "Hours of operation shall be limited to the hours of 6:00 a.m. and 6:00 p.m."; add F.7. "Drive-through windows shall be limited to one service bay."; add G. to limit the audio system and menu board to assure it does not impact adjacent single-family residences in all zoning districts; Section 3, Subd. 7, "...A restaurant may have a drive-through facility subject to the requirements in Section 850.07, Subd. 14F." and staff to verify language contained in Section 850.16. **Member Brindle and Member Housh accepted these friendly amendments to the motion.** Member Bennett stated that while she supported the proposed use, she would not support the ordinance amendment making drive-through windows an accessory use in all PCD-1 districts. It was noted the revised ordinance would be considered for second reading on September 15, 2009.

Ayes: Brindle, Housh, Swenson, Hovland

Nays: Bennett

Motion carried.

**\*AWARD OF BID – JEFF PLACE SUMP DRAIN INSTALLATION IMP. #STS-366** Motion made by Member Brindle and seconded by Member Bennett awarding the bid for Jeff Place sump drain improvements, Improvement No. STS 366, to the recommended low bidder, RPU, Inc. at \$23,310.00.

Motion carried on rollcall vote – five ayes.

**RESOLUTION NO. 2009-75 ADOPTED ACCEPTING VARIOUS DONATIONS** Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Swenson introduced and moved adoption of Resolution No. 2009-75 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*RESOLUTION NO. 2009-76 ADOPTED APPROVING AND ADOPTING COMPREHENSIVE PLAN UPDATE** Motion made by Member Brindle and seconded by Member Bennett to adopt Resolution No. 2009-76, approving and adopting comprehensive plan update.

Motion carried on rollcall vote – five ayes.

**\*HEARING DATE SET (9/15/09) – FOR PLANNING ITEMS** Motion made by Member Brindle and seconded by Member Bennett setting public hearing dates for September 15, 2009, as follows:

1. Amendment to overall development plan and final site plan for Little Szechuan Restaurant at 4820-West 77<sup>th</sup> Street.
2. Final development plan with side yard setbacks and height variances at 8050 West 78<sup>th</sup> Street for Hellmuth & Johnson Law Office.

Motion carried on rollcall vote – five ayes.

**\*RESOLUTION NO. 2009-77 ADOPTED – SETTING HEARING DATES FOR SPECIAL ASSESSMENT PROJECTS** Motion made by Member Brindle and seconded by Member Bennett to adopt Resolution No. 2009-77, calling public hearings for consideration of certain special assessments and delinquent utilities October 6, 2009, and October 20, 2009.

Motion carried on rollcall vote – five ayes.

**\*HEALTH CARE SAVINGS PLAN POLICY AMENDED** Motion made by Member Brindle and seconded by Member Bennett approving an amendment to the health care savings plan policy.

Motion carried on rollcall vote – five ayes.

**COMMUNITY COMMENT**

No one appeared to comment.

**\*CONFIRMATION OF CLAIMS PAID** Motion made by Member Brindle and seconded by Member Bennett approving payment of the following claims as shown in detail on the Check Register dated August 20, 2009, and consisting of 37 pages: General Fund \$172,219.40; Communications Fund \$18,999.24; Working Capital Fund \$202,514.59; Art Center Fund \$10,272.04; Golf Dome Fund \$61.69; Aquatic Center Fund \$13,454.36; Golf Course Fund \$31,486.75; Ice Arena Fund \$33,654.39; Edinborough/Centennial Lakes Fund \$149,794.64; Liquor Fund \$210,358.79; Utility Fund \$125,038.32; Storm Sewer Fund \$3,949.27; Recycling Fund \$37,077.90; **TOTAL \$1,006,881.39** and for approval of payment of claims dated August 27, 2009, and consisting of 30 pages: General Fund \$356,958.00; Communications Fund \$1,433.41; Police Special Revenue \$16,262.54; PIR Debt Service Fund \$4,000.00; Working Capital Fund \$1,220,337.37; Art Center Fund \$75.74; Aquatic Center Fund \$8,146.97; Golf Course Fund \$95,189.13; Ice Arena Fund \$3,562.02; Edinborough/Centennial Lakes Fund \$35,483.91; Liquor Fund \$155,293.45; Utility Fund \$844,246.97; Storm Sewer Fund \$345,703.34; Recycling Fund \$32.39; PSTF Agency Fund \$6,095.78; **TOTAL \$3,092,821.01.**

Motion carried on rollcall vote – five ayes.

**RESOLUTION NO. 2009-79 ADOPTED ADOPTING PRELIMINARY 2010 LEVY & OPERATING BUDGET** Mr. Hughes presented the maximum proposed preliminary 2010 tax levy of \$25,492,973, an increase of 2.2% in the levy and 3.3% in the debt service levy, for a total increase of 5.5%. **Member Bennett introduced and moved adoption of Resolution No. 2009-79 adopting the proposed budget for the City of Edina for year 2010, and establishing the proposed tax levy payable in 2010.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**BUDGET AND LEVY MEETING PUBLIC HEARING DATE SET (12/01/09) AND BUDGET ADOPTION DATE SET (12/15/09)** Mr. Hughes recommended dates for the budget and levy public hearing and budget adoption. **Member Swenson made a motion, seconded by Member Brindle, setting the budget and levy public hearing on Tuesday, December 1, 2009, at 7:00 p.m., and the budget and levy adoption for Tuesday, December 15, 2009, at 7:00 p.m.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**THREE RIVERS PARK DISTRICT** Mr. Hughes read the Three Rivers Park District letter regarding nomination of community assessment teams for the regional trail.

**NOMINATION TO COMMITTEES DISCUSSED** Given the time of year, Council consensus was reached to fill committee vacancies from applications on file, appointing the next highest vote getter, upon the Mayor's recommendation.

**STAFF RECOGNIZED** The Council congratulated City Clerk Deb Mangen on receiving MMC certification.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:27 p.m.

Respectfully submitted,

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Debra A. Mangen, MMC, City Clerk

Minutes approved by Edina City Council, September 15, 2009.

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James B. Hovland, Mayor

Video Copy of the September 1, 2009, meeting available.